

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on April 13, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Bob Lake, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Norma Bixby (D)
Rep. Edward B. Butcher (R)
Rep. Jill Cohenour (D)
Rep. Tom Facey (D)
Rep. Wanda Grinde (D)
Rep. Carol Lambert (R)
Rep. Dave McAlpin (D)
Rep. Jim Peterson (R)
Rep. Holly Raser (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Bill Warden (R)
Rep. Brady Wiseman (D)

Members Excused: None.

Members Absent: Rep. Margaret H. Campbell (D)
Rep. George G. Groesbeck (D)
Rep. Dennis Himmelberger (R)

Staff Present: Jeff Martin, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HJ 43; SB 511; SB 115; SB 442
 SJ 20; SB 48; SB 509; SB 271
 SB 520

EXECUTIVE ACTION ON HJ 43

00:01:20 **Motion/Vote:** REP. PETERSON moved that HJ 43 DO PASS. Motion carried unanimously by voice vote with REPS. CAMPBELL, LAMBERT, HIMMELBERGER and GROESBECK voting by proxy.

EXECUTIVE ACTION ON SB 511

00:02:00 **Motion:** REP. WISEMAN moved that SB 511 BE CONCURRED IN.

00:03:00 **Motion:** REP. WISEMAN moved that SB 511 BE AMENDED.

EXHIBIT (tah79b01)

Discussion:

00:03:50 REP. WISEMAN
 00:06:52 REP. McALPIN
 00:07:21 Jeff Martin, Legislative Services Division
 00:07:59 REP. BALYEAT
 00:08:27 CHAIRMAN WAITSCHIES
 00:10:00 REP. BALYEAT
 00:10:32 REP. FACEY

00:10:42 REP. RASER left the Committee Meeting.

00:11:07 REP. BUTCHER

00:11:59 REP. LAKE

00:12:40 **Vote:** Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, RASER, and WISEMAN voting aye and REPS. CAMPBELL, GROESBECK, HIMMELBERGER and RASER voting by proxy.

00:14:39 **Motion:** REP. WISEMAN moved that SB 511 BE AMENDED.

EXHIBIT (tah79b02)

Discussion:

00:16:46 REP. WISEMAN
 00:17:23 REP. BUTCHER

00:18:09 *REP. WARDEN left the Committee Meeting.*

Discussion: (con't)

00:18:23 **REP. WISEMAN**

00:19:39 **REP. BALLYEAT**

00:20:25 **REP. PETERSON**

00:20:40 **REP. WISEMAN**

00:21:08 **CHAIRMAN WAITSCHIES**

00:21:54 **Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. BRANAE, CAMPBELL, GROESBECK, HIMMELBERGER, McALPIN, RASER and WARDEN voting by proxy.**

00:22:36 *REP. HIMMELBERGER returned to Committee Meeting.*

Discussion:

00:23:02 **REP. FACEY**

00:23:24 **REP. WISEMAN**

00:24:35 **REP. ROSS**

00:24:57 **Vote: Motion carried 16-4 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, and COHENOUR voting no and REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy. REP. FACEY will carry SB 511.**

EXECUTIVE ACTION ON SB 115

00:26:37 **Motion: REP. PETERSON moved that SB 115 BE CONCURRED IN.**

00:27:23 **Motion: REP. PETERSON moved that SB 115 BE AMENDED.**

EXHIBIT (tah79b03)

Discussion:

00:29:08 Jeff Martin, Legislative Services Division

00:30:20 **REP. LAMBERT**

00:30:46 **REP. McALPIN**

00:31:00 *REP. WISEMAN and REP. HIMMELBERGER left the Committee Hearing.*

00:31:00 **REP. PETERSON**

00:31:17 **CHAIRMAN WAITSCHIES**

00:32:03 Vote: Motion carried unanimously by voice vote with REPS. HIMMELBERGER, WARDEN, BRANAE, WISEMAN, CAMPBELL, RASER and GROESBECK voting by proxy.

00:32:32 Motion: REP. PETERSON moved that SB 115 BE CONCURRED IN AS AMENDED.

00:32:40 Motion: REP. PETERSON moved that SB 115 BE AMENDED.

EXHIBIT (tah79b04)

Discussion:

00:32:42 Jeff Martin, Legislative Services Division

00:34:25 REP. FACEY

00:34:44 Vote: Motion carried unanimously by voice vote with REPS. HIMMELBERGER, WARDEN, BRANAE, WISEMAN, CAMPBELL, RASER and GROESBECK voting by proxy.

00:35:11 Motion: REP. PETERSON moved that SB 115 BE CONCURRED IN AS AMENDED.

Discussion:

00:35:17 REP. LAMBERT

00:36:18 REP. ROSS

00:37:05 REP. FACEY

00:37:56 REP. COHENOUR

00:38:46 REP. BUTCHER

00:39:34 REP. LAMBERT

00:39:52 Vote: Motion carried 12-8 by roll call vote with REPS. BRANAE, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting no and REPS. BRANAE, CAMPBELL, GROESBECK, HIMMELBERGER, RASER, WARDEN and WISEMAN voting by proxy. REP. PETERSON will carry SB 115.

EXECUTIVE ACTION ON SB 442

00:41:32 Motion: REP. LAKE moved that SB 442 BE CONCURRED IN.

Discussion:

00:41:43 REP. ROSS

00:43:02 Vote: Motion carried 19-1 by voice vote with REP. SALES voting no and REPS. BRANAE, CAMPBELL, GROESBECK, HIMMELBERGER, RASER, WARDEN and WISEMAN voting by proxy. REP. ROSS will carry SB 442.

EXECUTIVE ACTION ON SJ 20

00:45:24 Motion: REP. COHENOUR moved that SJ 20 BE CONCURRED IN.

00:45:50 Motion: REP. COHENOUR moved that SJ 20 BE AMENDED.

EXHIBIT (tah79b05)

Discussion:

00:46:05 Jeff Martin, Legislative Services Division

00:46:32 REP. COHENOUR

00:48:41 Vote: Motion carried unanimously by voice vote with REPS. BRANAE, CAMPBELL, GROESBECK, HIMMELBERGER, RASER, WARDEN and WISEMAN voting by proxy.

00:49:05 Motion: REP. COHENOUR moved that SJ 20 BE CONCURRED IN AS AMENDED.

Discussion:

00:49:14 REP. McALPIN

00:49:29 Vote: Motion carried unanimously by voice vote with REPS. BRANAE, CAMPBELL, GROESBECK, HIMMELBERGER, RASER, WARDEN and WISEMAN voting by proxy. REP. RASER will carry SJ 20.

EXECUTIVE ACTION ON SB 501

00:50:48 Motion: REP. LAKE moved that SB 501 BE CONCURRED IN.

00:50:54 *REP. HIMMELBERGER arrived at Committee Meeting.*

Discussion:

00:51:06 REP. COHENOUR

00:51:43 REP. WISEMAN

00:52:17 Vote: Motion failed 5-15 by roll call vote with REPS. HIMMELBERGER, PETERSON, RASER, ROSS, and WAITSCHIES voting aye and REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy.

00:53:45 Motion/Vote: REP. PETERSON moved that SB 501 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy.

EXECUTIVE ACTION ON SB 66

00:54:11 Motion: REP. LAKE moved that SB 66 BE CONCURRED IN.

Discussion:

00:54:38 REP. PETERSON
00:54:55 REP. COHENOUR
00:55:38 REP. SALES
00:57:06 REP. BALYEAT
00:57:57 REP. LAKE

00:58:27 Vote: Motion failed 6-14 by roll call vote with REPS. BIXBY, FACEY, GRINDE, LAMBERT, PETERSON, and WAITSCHIES voting aye and REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy.

00:59:27 Motion/Vote: REP. FACEY moved that SB 66 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy.

EXECUTIVE ACTION ON SB 48

01:00:10 Motion: REP. COHENOUR moved that SB 48 BE CONCURRED IN.

01:01:21 Motion: REP. COHENOUR moved that SB 48 BE AMENDED.

EXHIBIT (tah79b06)

Discussion:

01:01:35 Jeff Martin, Legislative Services Division
01:02:26 **REP. FACEY**
01:02:59 **CHAIRMAN WAITSCHIES**
01:03:33 **REP. BUTCHER**
01:04:15 **REP. BALYEAT**
01:05:00 Jeff Martin, Legislative Services Division
01:05:23 **CHAIRMAN WAITSCHIES**
01:05:47 **REP. FACEY**
01:06:22 **REP. COHENOUR**

01:06:58 **Vote: Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. BRANAE, CAMPBELL, GROESBECK, RASER and WARDEN voting by proxy.**

Discussion:

01:08:03 **REP. ROSS**
01:08:36 **REP. COHENOUR**
01:10:03 **REP. LAKE**
01:11:09 **REP. FACEY**
01:11:54 **REP. PETERSON**

01:12:03 *REP. LAMBERT left the Committee Meeting.*

01:12:48 **REP. GRINDE**
01:13:09 **REP. BUTCHER**
01:13:59 **REP. WISEMAN**
01:14:48 **REP. COHENOUR**
01:16:05 **REP. BALYEAT**
01:17:43 **REP. FACEY**
01:17:58 **REP. HIMMELBERGER**
01:18:49 **CHAIRMAN WAITSCHIES**

01:19:10 *REPS. BRANAE and WARDEN returned to Committee Meeting.*

01:20:40 **Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. CAMPBELL, GROESBECK, LAMBERT and RASER voting by proxy.**

EXECUTIVE ACTION ON SB 509

01:22:12 **Motion:** REP. BRANAE moved that SB 509 BE
CONCURRED IN.

01:22:20 *REP. LAMBERT returned to Committee Meeting.*

Discussion:

01:22:27 REP. COHENOUR

01:23:44 REP. BALYEAT

01:24:50 REP. BUTCHER

01:26:43 **Vote:** Motion failed 10-10 by roll call vote with
REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY,
GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN
voting aye and REPS. CAMPBELL, GROESBECK and RASER
voting by proxy.

EXECUTIVE ACTION ON SB 19

01:28:16 **Motion:** REP. LAKE moved that SB 19 BE CONCURRED
IN.

01:28:29 **Motion:** REP. LAKE moved that SB 19 BE AMENDED.
[EXHIBIT](#) (tah79b07)

Discussion:

01:28:40 Jeff Martin, Legislative Services Division

01:30:47 REP. FACEY

01:31:31 REP. BALYEAT

01:32:00 CHAIRMAN WAITSCHIES

01:32:12 **Vote:** Motion carried 19-1 by voice vote with REP.
SALES voting no and REPS. CAMPBELL, GROESBECK and
RASER voting by proxy.

01:33:10 **Motion:** REP. LAKE moved that SB 19 BE CONCURRED
IN AS AMENDED.

Discussion:

01:33:17 Jeff Martin, Legislative Services Division

01:34:33 **Motion:** REP. LAKE moved that SB 19 BE AMENDED
with a conceptual amendment changing the number
of employees from 10 to 5.

Discussion:

01:36:01 REP. COHENOUR

01:36:16 REP. LAKE

01:36:51 REP. BALYEAT

01:37:38 REP. MCALPIN

01:37:59 Jeff Martin, Legislative Services Division

01:38:17 REP. COHENOUR

01:39:16 **Vote:** Motion failed 5-15 by roll call vote with REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAKE, and WAITSCHIES voting aye and REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

Discussion:

01:40:28 REP. SALES

01:41:31 REP. LAMBERT

01:42:13 CHAIRMAN WAITSCHIES

01:42:14 *REP. GROESBECK arrives and REP. BIXBY leaves Committee Meeting.*

01:42:24 **Vote:** Motion failed 7-13 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, FACEY, GRINDE, GROESBECK, and MCALPIN voting aye and REPS. BIXBY, CAMPBELL and RASER voting by proxy.

01:43:43 **Motion/Vote:** REP. FACEY moved that SB 19 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. BIXBY, CAMPBELL and RASER voting by proxy.

EXECUTIVE ACTION ON SB 213

01:44:16 **Motion:** REP. PETERSON moved that SB 213 BE CONCURRED IN.

Discussion:

01:45:10 REP. WISEMAN

01:46:07 *REP. RASER arrives at Committee Meeting.*

01:46:50 **Motion:** REP. LAKE moved that SB 213 BE AMENDED.
[EXHIBIT](#)(tah79b08)

Discussion:

01:47:25 Jeff Martin, Legislative Services Division
 01:48:00 **REP. WISEMAN**
 01:50:07 **REP. PETERSON**
 01:50:37 **REP. WISEMAN**

 01:50:44 **REP. LAKE withdraws Motion TO AMEND.**

 01:51:00 **REP. PETERSON withdraws Motion TO CONCUR.**

 01:51:35 *REP. BIXBY arrives at Committee Meeting.*

EXECUTIVE ACTION ON SJ 32

01:52:08 **Motion: REP. BRANAE moved that SJ 32 BE CONCURRED IN.**

Discussion:

01:52:29 **REP. WISEMAN**
 01:53:10 **REP. BALYEAT**

 01:53:53 **Substitute Motion/Vote: REP. GROESBECK made a substitute motion that SJ 32 BE TABLED. Substitute motion carried 11-9 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, MCALPIN, RASER, and WISEMAN voting no and REP. CAMPBELL voting by proxy.**

EXECUTIVE ACTION ON SB 271

01:58:16 **Motion: REP. BRANAE moved that SB 271 BE CONCURRED IN.**

Discussion:

01:58:37 **REP. McALPIN**
 01:58:58 **REP. LAKE**
 02:00:14 **REP. McALPIN**
 02:00:34 **REP. COHENOUR**
 02:01:32 **REP. BALYEAT**
 02:02:53 **REP. LAKE**
 02:03:16 **REP. HIMMELBERGER**
 02:03:51 **REP. COHENOUR**
 02:04:46 **REP. McALPIN**

02:05:10 Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REP. CAMPBELL voting by proxy.

EXECUTIVE ACTION ON SB 520

02:06:54 Motion: REP. BRANAE moved that SB 520 BE CONCURRED IN.

02:07:39 Motion: REP. COHENOUR moved that SB 520 BE AMENDED.

EXHIBIT (tah79b09)

Discussion:

02:08:10 Jeff Martin, Legislative Services Division

02:09:00 Vote: Motion carried 13-7 by roll call vote with REPS. BALYEAT, HIMMELBERGER, LAKE, LAMBERT, ROSS, SALES, and WAITSCHIES voting no and REP. CAMPBELL voting by proxy.

02:10:07 Motion: REP. FACEY moved that SB 520 BE CONCURRED IN AS AMENDED.

Discussion:

02:10:42 REP. BALYEAT

02:12:14 REP. FACEY

02:12:20 REP. HIMMELBERGER

02:15:11 REP. COHENOUR

02:17:22 REP. RASER

02:18:52 CHAIRMAN WAITSCHIES

02:19:26 Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REP. CAMPBELL voting by proxy.

EXHIBIT (tah79b10) Additional exhibits

ADJOURNMENT

Adjournment: 6:30 P.M.

REP. KARL WAITSCHIES, Chairman

DEBRA POLHEMUS, Secretary

KW/dp

Additional Exhibits:

EXHIBIT ([tah79bad0.PDF](#))